

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**ROSS MITCHELL, and BLANCA  
MITCHELL,**

**Plaintiffs/Counter Defendants,**

**vs.**

**PATHE DIALLO, WERNER  
ENTERPRISES, INC., WERNER  
TRANSPORTATION, INC., GRA-GAR,  
LLC, WERNER GLOBAL LOGISTICS,  
INC., WERNER GLOBAL LOGISTICS,  
U.S., LLC, WERNER LEASING, LLC,  
WERNER MANAGEMENT, INC.,**

**Defendants/Counter Claimants,**

**and**

**PHILLIPS MANUFACTURING, CO.,  
PHILLIPS MANUFACTURING CO. OF  
OHIO, LLC, and PHILLIPS REALTY,  
LLC,**

**Defendants.**

**8:19CV570**

**AMENDED  
ORDER SETTING TRIAL**

This matter is before the Court on the Unopposed Text Email Motion (Filing No. 104) requesting the pretrial conference be held by video conference. After a review of the motion and for good cause shown,

**IT IS ORDERED** that the Unopposed Text Email Motion (Filing No. 104) is granted, and the Order Setting Trial is amended as follows:

- 1) The jury trial of this case remains set to commence before Brian C. Buescher, United States District Judge, in Courtroom 5, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, at **9:00 a.m.** on **March 14, 2023**, or as soon thereafter as the case may be called, for a duration of five (5) trial days. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled to be held before the undersigned magistrate judge on **February 21, 2023**, at **10:00 a.m.**, and will be conducted by **video conference**. Counsel shall use the conferencing instructions assigned to this case to participate in the conference. The parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to [nelson@ned.uscourts.gov](mailto:nelson@ned.uscourts.gov), in Word format, by **3:00 p.m.** on **February 14, 2023**.

- 3) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

Dated this 24<sup>th</sup> day of January, 2023.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge